

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TELEBUYER, LLC,

Plaintiff,

v.

AMAZON.COM, INC., AMAZON
WEB SERVICES LLC, and VADATA,
INC.,

Defendants.

AMAZON.COM, INC., AMAZON
WEB SERVICES LLC, and VADATA,
INC.,

Counterclaimants,

v.

TELEBUYER, LLC,

Counterclaim-
Defendant.

Case No. 2:13-cv-01677-BJR

**STIPULATED MOTION AND
[PROPOSED] ORDER REGARDING
STAY OF DISCOVERY PENDING
MOTION FOR SUMMARY
JUDGMENT**

NOTE ON MOTION CALENDAR:
January 27, 2015

STIPULATION

WHEREAS, on December 17, 2014, this Court held a tutorial hearing regarding the technology at issue in this matter, following which the Court and counsel for the parties discussed a pre-*Markman* hearing summary judgment motion to be brought by Amazon on the issue of patent validity under 35 U.S.C. §101;

WHEREAS, pursuant to stipulation approved by the Court (Dkt. No. 193), Amazon's motion for summary judgment is currently to be filed by February 12, 2015, Telebuyer's response is to be filed by April 8, 2015, and Amazon's reply is to be filed by April 28, 2015;

WHEREAS, since the beginning of January, the parties have operated under an informal stay of discovery and now seek to formalize that stay in the interest of efficient case management and conservation of party and judicial resources.

NOW THEREFORE, it is hereby stipulated by and between the parties as follows:

1. All discovery in this case is hereby stayed pending completion of briefing of Amazon's above-described motion for summary judgment.
2. This stipulation is without prejudice to further extension of the discovery stay, either by agreement of the parties or Order of the Court.
3. The discovery stay shall be without prejudice to either party and neither party will argue that any delay in completing discovery as a result of should be chargeable to either party, or otherwise impact the substantive rights, claims or defenses of either party.

1 DATED: January 27, 2015.

2 By: /s/ Mark A. Samuels

3 Mark A. Samuels (*pro hac vice*)
4 Brian M. Berliner (*pro hac vice*)
5 Xin-Yi Zhou (*pro hac vice*)
6 O'MELVENY & MYERS LLP
7 400 South Hope Street
8 Los Angeles, CA 90071
9 Telephone: 213.430.6000
10 Facsimile: 213.430.6407
11 Email: msamuels@omm.com;
12 bberliner@omm.com; vzhou@omm.com

13 Susan V. Keulen (*pro hac vice*)
14 Jonathan Crawford (*pro hac vice*)
15 O'MELVENY & MYERS LLP
16 2765 Sand Hill Road
17 Menlo Park, CA 94025
18 Telephone: 650.473.2600
19 Facsimile: 650.473.2601
20 Email: svankeulen@omm.com;
21 jcrawford@omm.com

22 Marc Pensabene (*pro hac vice*)
23 O'MELVENY & MYERS LLP
24 400 South Hope Street
25 Times Square Tower
26 7 Times Square
27 New York, NY 10036
Telephone: 212.326.2070
Facsimile: 212.326.2061
Email: mpensabene@omm.com

18 /s/ Jeremy E. Roller

19 Jeremy E. Roller, WSBA No. 32021
20 Diana S. Breaux, WSBA No. 46112
21 YARMUTH WILSDON PLLC
22 818 Stewart Street, Suite 1400
23 Seattle, WA 98101
24 Telephone: 206.516.3800
25 Facsimile: 206.516.3888
26 Email: jroller@yarmuth.com;
27 dbreaux@yarmuth.com

*Attorneys for Plaintiff and Counterdefendant
Telebuyer, LLC*

/s/ Richard G. Frenkel

Richard G. Frenkel (*pro hac vice*)
Gabriel S. Gross (*pro hac vice*)
Patricia Young (*pro hac vice*)
Eugene Chiu (*pro hac vice*)
Douglas E. Lumish (*pro hac vice*)
S. Giriraj Pathmanaban (*pro hac vice*)
LATHAM & WATKINS LLP
140 Menlo Park, CA 94025
Telephone: 650.328.4600
Facsimile: 650.463.2600
Email: rick.frenkel@lw.com;
gabe.gross@lw.com; patricia.young@lw.com;
eugene.chiu@lw.com; doug.lumish@lw.com;
giri.pathmanaban@lw.com

Matthew J. Moore (*pro hac vice*)
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004-1304
Telephone: 202.637.2200
Facsimile: 202.637.2201
Email: matthew.moore@lw.com

/s/ Brian D. Buckley

Brian D. Buckley, WSBA No. 26423
Ewa M. Davison, WSBA No. 39524
FENWICK & WEST
1191 Second Avenue, 10th Floor
Seattle, WA 98101
Telephone: 206.389.4510
Facsimile: 206.389.3411
Email: bbuckley@fenwick.com;
edavison@fenwick.com

J. David Hadden (*pro hac vice*)
Saina S. Shamilov (*pro hac vice*)
FENWICK & WEST
801 California Street
Mountain View, CA 94041
Telephone: 650.988.8500
Facsimile: 650.938.5200
Email: dhadden@fenwick.com;
sshamilov@fenwick.com

*Attorneys for Defendants and Counterclaimants
AMAZON.COM, INC., AMAZON WEBSERVICES
LLC, and VADATA, INC.*

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED: _____, 2015

HON. BARBARA J. ROTHSTEIN
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Brian D. Buckley
Ewa M. Davison
J. David Hadden
Saina S. Shamilov
Fenwick & West LLP
bbuckley@fenwick.com
edavison@fenwick.com
dhadden@fenwick.com
sshamilov@fenwick.com

Matthew J. Moore
S. Giriraj Pathmanaban
Douglas E. Lumish
Richard G. Frenkel
Gabriel S. Gross
Patricia Young
Eugene Chiu
Latham & Watkins LLP
matthew.moore@lw.com
giri.pathmanaban@lw.com
doug.lumish@lw.com
rick.frenkel@lw.com
gabe.gross@lw.com
patricia.young@lw.com
eugene.chiu@lw.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: January 27, 2015 at Seattle, Washington.

s/Sue Stephens
Sue Stephens, Legal Assistant